

BRISTOL TOWNSHIP

2501 BATH ROAD BRISTOL, PA 19007 (215) 785-0500 FAX (215) 785-2131

COUNCIL MEETING

November 6, 2008

The meeting was called to order by President Davis at 7:00 P.M.

EXECUTIVE SESSION: personnel and litigation were discussed.

President Davis called for a Moment of Silence and Pledge of Allegiance.

ROLL CALL: Council Members Davis, Pluta, Tarlini, Mobley and Monahan were present.

Public comments will be taken as each item is addressed. General comments will be taken during Opportunity for Residents to Address Council. Public comment on general and agenda items will be taken at this time. An Audience Participation form must be completed and given to the Township Secretary prior to the roll call of the meeting as provided in the Bristol Township Administrative Code, Section 306. Residents should adhere to the three minute public participation guideline. Total public comments are limited to one hour.

EXECUTIVE REPORT:

Mr. Bartlett read a letter from Mayor Fenton: the Harvest Day Festival was held on Saturday October 5, 2008 at the municipal complex, children received goody bags, the Ben Franklin bucket drummers gave a special performance, and also there was Sheriff Donnelly's child ID program. Even with the bad weather there was a good attendance for the event. The Public Works Department, Commerce Bank, Shop Rite, Russ Sacco and David Truelove were thanked for their help with the event also the Camp Counselors and Township employees that volunteered for the program. The annual parade is Saturday November 22, 2008. Bristol Township is holding the annual parade to kickoff the Thanksgiving football game. December 4, 2008 the Township will hold the tree lighting ceremony. All residents are asked to display a blue light this holiday season in honor of the officers who lost their lives in the line of duty. All

residents are invited to the senior center after the tree lighting ceremony for refreshments and to participate in a sing along with the James Buchanan chorus. Have a save holiday season.

REPORT FROM MANAGING DIRECTOR:

Mr. Bartlett reported at the last meeting there was an item that was tabled, Bristol Commerce Center release number three. That item actually was resolved as part as part of the change of the escrow calculation. In order to remove that from the table I ask that Council untable it and make a motion to deny the request. Councilman Monahan called for the motion to remove request number three for commerce center escrow. Second by Vice President Tarlini. Poll: all ayes. Motion approved. Councilman Pluta called for the motion to deny release request number three for Bristol Commerce Center, AKA Green Lane Properties, Tax Map Parcel number 5-69-43. Second by Councilman Monahan. Poll: all ayes. Motion approved.

Mr. Bartlett stated we are continuing to receive requests about rodents and wild animals in yards. We are receiving fewer complaints now, but are still continuing to get the complaints.

I reported last time we are researching the rates charged by the towing companies. There is a wide variety of towing rates charged. The local towing companies are also giving us their input. By the end of the year we will update that ordinance. The ordinance was established in 2001.

The casino grant process is still ongoing. We will defend those applications. We will meet with the Redevelopment Authority next week. The Redevelopment Authority will know by Thanksgiving which grants are approved.

The Township auction was successful. \$15,000 was brought in between Public Works and the Sewer Departments.

REPORT FROM CHIEF OF POLICE:

The Otter Street Bridge is closed for approximately one year. Please take your time in that area.

The auction was a success. \$15,000 was brought in between the Public Works and Sewer Department.

REPORT FROM DIRECTOR OF BUILDING, PLANNING & ZONING:

LAND DEVELOPMENT:

1. Rite Aid Corporation/Greg Colo, 875 Kings Highway, Suite 201, Woodbury, NJ, requesting Preliminary Land Development approval for property located at 612 & 7012 New Falls Road, Levittown (Tax Parcels #5-34-132 & #5-34-133) in order to construct a Rite Aid and a bank at the above noted locations in a C-Commercial zoned district of Bristol Township. Frank Dillon (representative for Rite Aid) said the proposed site is located at the intersection of New Falls and Emily Roads. It is two and a half acres. There are five access points currently. The impervious surface is ninety one percent. Proposed is to remove five access points (New Falls Road) and give two access points. Emily Road would go from three access points to one. Sixty-five parking spaces are proposed. There will be a Rite Aid, a proposed bank with a drive through and loading pad and trash enclosures. The bank will not provide any trash, all of it is shredded. The impervious surface area is seventy five percent and two underground storm water basins and rain garden will reduce storm water. In response to the review letter: traffic visibility, will comply, a waiver was asked for open space between the parking spots, there is a dimensional requirement for that drive through, we want a waiver from parking space between the bank and Rite Aid. Street trees; we asked for a waiver, we will do what you want. Mr. Smith stated this is closer than five feet from the right of way, trees, required could be moved or donated to the Township. Mr. Dillon stated that will have to be worked out. Mr. Smith stated there are no trees along the road and it will be a problem with overhang. I recommend the trees be donated to the Township. Mr. Dillon stated the traffic engineer issues were resolved regarding the width of the drive through. Pennoni wants the drive through increased in size. Gardenia Road; we will work with the Township on that issue. Councilman Mobley expressed concern for the lack of trees for beautification. Mr. Smith stated they would be put in but later it could be an issue, maybe bushes could be placed there. Councilman Pluta said I have concerns about blocking sight for drivers on the road and I am concerned with Gardenia Road. Mr. Dillon stated we will follow the recommendations of the traffic engineer. Mr. Smith stated typically you line up intersections so people can cross over, if it was moved people would still do stupid things. Councilman Pluta stated now people don't use Gardenia Road to get there, this way they would. Sandy Coza; traffic engineer representing Rite Aid stated after entering they would be in the parking isle that should help. The letter from Pennoni said to provide the channelization for Gardenia Road. Mr. Obert said this will increase traffic cutting through at the Acme. Mr. Smith stated the plans were revised after the review letter, there are a lot of items which are complied, and there are waiver issues which are preliminary. Councilman Monahan stated this is a good thing at that site. There are concerns with the deliveries to R&R Produce; when the Rite Aid and R&R Produce had deliveries at the same time the trucks had problems getting in and out. Councilman Monahan stated I believe the placement of the Rite Aid and a bank at that site is a good thing. Maybe there might be changes having to do with deliveries. Councilman

Monahan called for the motion to approve the Preliminary Land Development approval with waivers (must comply with the waiver requests) for property located at 612 & 7012 New Falls Road, Levittown (Tax Parcels #5-34-132 & #5-34-133) in order to construct a Rite Aid and a bank at the above noted locations in a C-Commercial zoned district of Bristol Township. They have to comply with all waivers and requests from the Township Engineer. Second by Councilman Mobley. Poll: all ayes. Motion approved

Mr. Kucher reported the Phantom Fire Works application proposed for the Monday Zoning Hearing is rescheduled to December 8, 2008.

COUNCIL ITEMS:

- A. Vice President Tarlini called for the motion to approve Resolution 39-2008 increasing the water rate. Mr. Bartlett stated the rate increase is from suppliers. It is to be passed on; the Township is not making money on it. The rates are for one year. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	was not available for the vote
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion Approved 4-0

- B. Councilman Mobley called for the motion to approve Resolution 40-2008 increasing the water rate increase for Bucks County Water and Sewer. Second by President Davis.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	not available for the vote
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion Approved 4-0

- C. Call for a motion to approve minutes from the following Council Meeting: July 17, 2008 (Tabled item) and August 21, 2008. Vice President Tarlini called for the motion to table the minutes of July 17, 2008. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	not available for the vote
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion Approved 4-0

Vice President Tarlini called for the motion to table the minutes of August 21, 2008. Second by Councilman Monahan.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	not available for the vote
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion Approved 4-0

- D. Councilman Monahan called for the motion to approve waiving the sign fee in the amount of \$180.00 as requested by West Congregation of Jehovah's Witnesses. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	not available for the vote
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	no

Motion Approved 3-1

- E. Councilman Monahan called for the motion to approve waiving the sign fee in the amount of \$60.00 as requested by Refuge for the Perishing Holy Temple, Inc. Second by Councilman Mobley. Vice President Tarlini stated they are asking for a waiver of \$60.00. There is a balance due of \$290.00 on their bill from 2003, 2005, 2006, 2007 and 2008 but they are only requesting this \$60.00. If we waive this how will we collect the past? Mr. Bartlett stated if you felt appropriate to waive all the prior year's otherwise we will send the reminder that they are delinquent on the fee. Councilman Mobley stated we are setting up a new policy for next year. Mr. Bartlett stated we will charge only the administrative processing fee and have one motion waiving fees it is just a matter of deciding on the amount of the fee. Mr. Sacco stated when you adopt your fee resolution there will be a section that says administrative fee for waivers and that fee amount would be put in.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	no
	President Davis	no

Motion approved: 3-2

- F. Councilman Monahan called for the motion to approve waiving the sign fee in the amount of \$60.00 as requested by Christ United Methodist Church. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	no

Motion approved: 4-1

- G. Councilman Monahan called for the motion to approve waiving the sign fee in the amount of \$120.00 as requested by Faith Reformed Church. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	no

Motion approved: 4-1

- H. Councilman Monahan called for the motion to approve waiving the sign fee in the amount of \$120.00 as requested by Wilkinson Memorial United Methodist Church. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	no

Motion Approved 4-1

- I. Councilman Monahan called for the motion to approve waiving the sign in the amount of \$60.00 as requested by Edgely Christian Church. Second by Councilman Mobley.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	no

Motion Approved 4-1

- J. Councilman Monahan called for the motion to waive the sign fee in the amount of \$120.00 as requested by VFW Billington Post #6495. Second by Vice President Tarlini.

Councilman Mobley	yes
Councilman Pluta	yes
Councilman Monahan	yes
Vice President Tarlini	yes
President Davis	no

Motion approved: 4-1

REPORT FROM SOLICITOR:

Mr. Sacco reported on the land for the skate park: I spoke to Bill Mitchell this week and he indicated that we will have a lease by the end of the week. It could be on the agenda for the next meeting.

Last month there was discussion of the road opening repair. In our code we have a street chapter. Paving must be done in accordance with Penndot. We looked at other Township requirements. One limited the amount of road to be opened at one time. One had security to open the road. The money was held for one year. They recommend increasing the period to two years and include the amount of security money. Another prohibited the road from reopening after five years of paving. We would send out notice to the utilities prior to paving. You would provide for emergency. I would like to meet with Mr. Smith and Mr. Kucher and go over the recommendations. Vice President Tarlini called for the motion to approve Mr. Sacco, Mr. Kucher and Mr. Smith to review the recommendations for road opening repair. Second by Councilman Pluta. Poll: all ayes. Motion approved

Mr. Sacco stated the Government Study passed. Within ten days of certification of the Government Study Commission they must be sworn in by a district justice and must hold a meeting within ten days. President Davis stated I would like the meeting to be scheduled for November 20, 2008 if Council if that coincides with certification of the votes.

OTHER:

Councilman Mobley thanked the resident for coming out to vote for the Government Study Commission and said hopefully some good things can come out of this for our community.

PUBLIC COMMENT:

1. Gallus J. Obert-said Council should go back to the reports like it was a year ago. The budget is late. There is no signed contract by Barrett Asphalt (gave information to Mr. Sacco). Mr. Sacco stated Barrett advised by ordering the asphalt they will abide the agreement.
2. Bob Ausora-spoke regarding the local government study, people should look at this commission and it should have public meetings. Verizon; if Fios is cancelled a penalty must be paid. President Davis responded that would probably depend if they signed a contract. Mr. Ausora said lights are needed in the parking lot.
3. Jake Tryon-spoke of the railroad cleanup; at Route 13 the billboard with the phone number on it is not Amtrak's responsibility. Mr. Sacco stated they have to maintain it.
4. Ken Smith-said if the water rate increase was not approved what would have happened? President Davis stated the Township would have to absorb the cost. Councilman Pluta stated the rate increase went into effect in the summer.
5. Mark Haydek- spoke of a problem at the Bucks County Technical School which is dark in the morning. They say the Township has a problem. The Township has no answer (on the phone) until 9:00 A.M. A police officer helped. Mr. Bartlett stated the Township opens at 8:30 A.M. That would be an emergency; the police have a number for the electrician for early in the morning. Mr. Haydek said a crossing guard was sitting in the car until the next group of kids came; is that allowed Mr. Bartlett responded I will check. Mr. Haydek stated the rat nest in the sewer is County owned land; it has rodents. Everyone has skate parks now but none will allow the bikes. The kids need a place in the upper end. The kids are ready to give up. President Davis stated we said you are getting the land. Mr. Haydek stated it is hard to raise the money. Councilman Pluta stated everything is being done that can be done. I made a concerted effort. When the County gives to us; our hands are tied. Mr. Haydek stated why not here at the Township building? President Davis stated the traffic. Vice President Tarlini stated the best place would be at a school. You said they said no. We are trying. Mr. Haydek stated these kids are ready to vote. And they are ready to throw in the towel. Vice President Tarlini stated that sounds like a threat. We've tried. President Davis stated he is saying they are getting older. Vice President Tarlini stated we can't have the kids here, police cars come through.
6. West Retzler-asked do I live in the Commonwealth of Pennsylvania? People are talking about problems covered by the laws. How do we vote without a council member present? President Davis responded: majority of three.

2009 BUDGET:

Mr. Bartlett gave an overview. The Mayor, Council President, Finance Director, and I discussed the budget as submitted by department heads. A two million dollar deficit was realized at first. Various cuts were made. One mill (18,790) of the deficit will be taken from the general reserves, if passed. This was shown to the Mayor. He agreed. The draft copy is available for everyone tonight. If we continue with no tax increase we will not function in 2010. It is a very tight budget. We will continue to work on the budget but there is very little that can be cut. A large portion of the budget is contractual. Electric, fuel and other necessary items go up every year. Ninety percent total tax collection is expected this year. Part of it is because of the economy. There is nothing significant to reduce. Vice President Tarlini called for the motion to freeze vacant positions and replace the money in 01-4911-350 (Administrative Salaries) until we see how things are going. Second by President Davis. Poll: all ayes. Motion approved

Mr. Bartlett stated additional money for the fire and rescue squads (\$140,000) is in the budget to be divided among the organizations.

Mr. Obert questioned the amount of reserves in the budget? Ms. Gordon responded three point one million, currently; this will bring the Township to a two million dollar reserve. Vice President Tarlini stated that is a dangerous level. These are tough economic times people are losing their homes. They are in dire need, it would not be right to raise the taxes at this time even though it is a danger for the Township. Councilman Mobley stated the Daisy Meyers statue and other expenses on the Mayor's budget could be eliminated. Councilman Mobley called for the motion to cut the Mayor's salary in half until the job is being done. Mr. Sacco stated the administrative code provides a salary even if cut it would not be until the next person comes into office. Under the First Class Township Code Council can make more but not until the current positions are up for election. The motion died for a lack of a second. Councilman Mobley stated the Parks and Recreation Center rehab should be removed and use that money somewhere else, since gas and oil will go up again. The money should be put into necessary programs. The capital money should be saved and put elsewhere. Councilman Mobley called for the motion to remove the Daisy Meyer's expense from the budget. Second by Councilman Pluta. Poll: all ayes. Motion approved. Vice President Tarlini stated we have a tree out front that could be dedicated to Daisy Meyers. Do you want to totally eliminate it or leave \$1,000 for a plaque on the tree? Councilman Mobley stated it is a good cause but times are hard. Maybe someone can donate one.

Councilman Pluta called for the motion to remove Edgely Park (not the grant) \$100,000 from the budget. Second by Councilman Mobley. Poll: all ayes. Motion approved.

Ms. Gordon stated the earned income tax was budgeted the same as 2007. Most people get a raise so it should even out.

BRISTOL TOWNSHIP COUNCIL

November 6, 2008

Mr. Bartlett stated we have deadlines; the budget should be approved prior to the end of the calendar year. This could be done at the December 4, 2008 and December 18, 2008 meetings. The budget must be advertised fourteen days prior to the vote on the budget, twenty days prior to the vote. The public need the budget, there is no extra special meeting required to vote. We could advertise December 4, 2008 or December 18, 2008 as the adoption. We could work on the budget at the meetings leading up to that. Fourteen days advertising is required before approval. Councilman Pluta stated there are a few things to adjust. I went through the budget with Ms. Gordon. Vice President Tarlini stated November 20, 2008 could be for additional questions and December 4, 2008 would be the adoption. Mr. Sacco stated you could adopt the budget on December 4, 2008. Minor changes on that date would not require that you readvertise. Mr. Bartlett stated November 20, 2008 it will be on the agenda to update and discuss minor issues. Councilman Mobley stated the IT Tech is to be removed (new). Councilman Pluta stated that is needed. I did take a look at it. That is not a new position the man is on military leave. Mr. Obert stated I would like a three mill increase. Councilman Mobley stated we will see where we are at the end. Councilman Pluta stated with the economy it makes it hard to add anything. Councilman Mobley asked if any of the bad debt was collected? Ms. Gordon responded the bad debt amount is from 1999 to 2003, Mr. Sacco and Mr. Kucher reviewed it, and they don't know if it really exists. Councilman Mobley stated there are problems from the previous administration and currently Ms. Gordon and the staff are doing a good job. Taxes need to be raised. Vice President Tarlini stated there was only one tax increase for eleven years. If there was a minimal increase each year it wouldn't be this way now.

ADJOURNMENT:

President Davis called for the motion to adjourn. Second by Vice President Tarlini. Poll: all ayes. Motion approved. The meeting adjourned at 9:05 P.M.

Respectfully submitted

Denise Gorry

Secretary

/dg

MOTIONS APPROVED:

1. Remove request number three for commerce center escrow.
2. Deny release request number three for Bristol Commerce Center, AKA Green Lane Properties, Tax Map Parcel number 5-69-43.
3. Approve the Preliminary Land Development approval with waivers (must comply with the waiver requests) for property located at 612 & 7012 New Falls Road, Levittown (Tax Parcels #5-34-132 & #5-34-133) in order to construct a Rite Aid and a bank at the above noted locations in a C-Commercial zoned district of Bristol Township. They have to comply with all waivers and requests from the Township Engineer.
4. Approve Resolution 39-2008 increasing the water rate. Mr. Bartlett stated the rate increase is from suppliers.
5. Approve Resolution 40-2008 increasing the water rate increase for Bucks County Water and Sewer.
6. Approve waiving the sign fee in the amount of \$180.00 as requested by West Congregation of Jehovah's Witnesses.
7. Approve waiving the sign fee in the amount of \$60.00 as requested by Refuge for the Perishing Holy Temple, Inc.
8. Approve waiving the sign fee in the amount of \$60.00 as requested by Christ United Methodist Church.
9. Approve waiving the sign fee in the amount of \$120.00 as requested by Faith Reformed Church.
10. Approve waiving the sign fee in the amount of \$120.00 as requested by Wilkinson Memorial United Methodist Church.
11. Waiving the sign in the amount of \$60.00 as requested by Edgely Christian Church.
12. Waive the sign fee in the amount of \$120.00 as requested by VFW Billington Post #6495.
13. Approve Mr. Sacco, Mr. Kucher and Mr. Smith to review the recommendations for road opening repair.
14. Freeze vacant positions and replace the money in 01-4911-350 (Administrative Salaries) until we see how things are going.
15. Remove the Daisy Meyer's expense from the budget.
16. Remove Edgely Park (not the grant) \$100,000 from the budget.

TABLED ITEMS:

1. Minutes of July 17, 2008.
2. Minutes of August 21, 2008.

11/6/08

	NAME	STREET ADDRESS	AGENDA (X)	OTHER (X)
1	GALLUS ROBERT	FREEDOM LN	X	X
2	Bob AOSORA	Blue Ridge	X	X
3	JAKE TRYON	CROYDON		/
4	KEN SMITH	ENGELY	X	X
5	Mark Peyton	34 Rocky Point	X	X
6	WEST KOTZEL	WEST BRISTOL		
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